



ADVOCACY TOOLKIT: SPEAKING OUT DURING THE RULEMAKING PROCESS

NWA'S MISSION

The National WIC Association (NWA) provides its members with tools and leadership to expand and sustain effective nutrition services mothers and young children.

WHAT IS RULEMAKING?

When Congress passes certain laws, also referred to as statute, federal agencies must interpret and ensure compliance of those laws. Agencies, like USDA, rely on rulemaking and the regulatory process to provide further context to federal law. Recipients of federal grants, like WIC agencies, rely on rules and regulations to administer programs.

WIC regulations are published in the Federal Register and in the Code of Federal Regulations, 7 CFR Part 246. WIC falls under the U.S. Department of Agriculture (USDA).

WHY DOES RULEMAKING MATTER?

It is critical that WIC providers, participants, and partners weigh in during the rulemaking process. USDA must solicit stakeholder feedback to reach reasoned decisions about new program rules.

USDA may initiate rulemaking when new laws are passed, new technologies introduced, or upon request from federal advisory committees or the public.

As a result of the WIC community speaking with a collective voice during past rulemakings, WIC is a stronger program that is more responsive to the needs of State administrators and frontline providers. The greatest regulatory success has been the 2009 food package review, which offered WIC families new options like fruits, vegetables, and whole grains while aligning the program more closely with science-based guidelines.

USDA has indicated upcoming rulemaking on WIC is expected in spring 2022 on key topics:

- Food Package
- Online Shopping & Vendor Rules

It is now on the collective WIC community to ensure USDA is aware of what YOU, your agency, and your community want to see moving forward, based on your experiences receiving or administering services, your commitment to public health nutrition, and the key implications of these changes.

THE RULEMAKING PROCESS

Federal agencies, like USDA, must go through a process to revise or introduce regulations. This is typically a two-step process: proposed and final rule.

However, if an agency does have good cause to issue a final rule without a proposed rule first, it is referred to as an 'interim rule' which is effective once published.

PROPOSED RULE

The federal agency, in WIC's case being USDA, must issue a Notice of Proposed Rulemaking in the Federal Register. This notice will explain the need for a change to the rules and will include the text of the proposed rule. The specific text will lay out what USDA proposes as a solution or change for the issue being considered.

USDA will then solicit input from the public for a set period of time. Federal agencies rely on public comment to ensure that new regulations are reasonable and can be implemented without administrative burden. This is why USDA needs to hear from you.

Remember - regulatory advocacy is not considered lobbying.

Drafting your Public Comment: Public comment can be as brief or detailed as you see appropriate. Glean from your experiences, data, the nutrition science, and implications of the proposed rule to develop your public comment.

During the public comment period, NWA will often release template comments. You are welcome to share, tailor, and use these resources as you develop your own public comment.

FINAL RULE

Once the public comment period closes, USDA will review the comments and incorporate or reject feedback. The final rule will address the comments and include the text of the final rule.

The final rule is then published in the Federal Register and effective no less than 30 days after publication, unless the rule stipulates a later effective date.

